

# The strategic use of patents in standardization in relation to US, European and Chinese competition law

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Propositions belonging to the dissertation:

**The strategic use of patents in standardization  
in relation to US, European and  
Chinese competition law**

Matt Heckman

1. Standards may hinder innovation by exclusively promoting national technology, although better foreign alternatives are available. (chapter 2)
2. The royalty rate and other licensing terms must motivate the patent holder to participate in the standardization process. (chapter 2).
3. The example of the concept of patent misuse raises the question whether antitrust law is best suited to regulate technology markets. (chapter 3)
4. In order to accelerate innovation by implementing national technology in standards, a new culture has to be nourished to produce quality IP in globally-accepted standards. (chapter 4)
5. The evaluation of the essentiality and validity of patents is crucial since, in its absence, the patent pool may contribute to royalty stacking (chapter 5).
6. Standardization itself is a prime example of a strategic decision made by firms to cooperate in a horizontal agreement , to maximize the benefits of the positive network externalities (chapter 5).
7. A legitimate patent pool owned by Western companies can easily be qualified as a Patent Assertion Entity by Chinese authorities. (chapter 8).
8. Recently, the European Commission and the European Court of Justice have fundamentally altered the balance with regard to standard essential patents, in favour of the patent implementer.
9. It is not only the granting of an injunction (but also the threat and seeking thereof) that is potentially anti-competitive.
10. A modern version of Sun-Tzu's "The Art of War" would definitely include standard essential patents.

Maastricht, April 2016